

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RICHARD J. HILL,

Case No. 2:19-cv-159

Plaintiff,

Hon. Hala Y. Jarbou

v.

U.S. District Judge

JUSTIN WONCH,

Defendant.

_____ /

CASE MANAGEMENT ORDER

The parties will be subject to the following deadlines and limits:

Trial Date – Before Hon. Hala Y. Jarbou Counsel and Parties to appear in the Courtroom at 12:30 p.m. to address any pretrial issues.	July 11, 2022 at 1:00 p.m.
Jury or Non-Jury	Jury
Estimated Length of Trial	4 days
Final Pretrial Conference	July 5, 2022 at 10:00 a.m.

1. **TRIAL DATE AND SETTING:** This case is scheduled for trial as set forth above. Trial will be conducted in Marquette, Michigan.
2. **FINAL PRETRIAL CONFERENCE:** A final pretrial conference is scheduled as set forth above. This conference will be held before Hon. Maarten Vermaat at the Federal Building, 202 W. Washington Street, Marquette, Michigan.
3. **PREPARATION OF PROPOSED FINAL PRETRIAL ORDER:** A proposed pretrial order, entitled “Final Pretrial Order” shall be prepared jointly by counsel and filed three (3) days prior to the final pretrial conference in the following form:

A final pretrial conference was held on the ____ day of _____.
Appearing for the parties as counsel were:

(List the counsel who will attend the pretrial conference.)

1) Exhibits: The following exhibits will
be offered by the plaintiff and the defendants:

(List separately for each party
all exhibits, including demonstrative
evidence and summaries of other evidence,
by name and number. Plaintiff shall use
numbers; defendants shall use letters.
Indicate with respect to each exhibit whether
and for what reason its admissibility is
objected to. Exhibits expected to be used
solely for impeachment purposes need not be
numbered or listed until identified at trial.
Failure to list an exhibit required to be listed
by this order will result, except upon a
showing of good cause, in a determination of
non-admissibility at trial. Objections not
contained in the Pretrial Order, other than
objections under Evidence Rule 402 or 403,
shall be deemed waived except for good cause
shown. See Fed. R. Civ. P. 26(a)(3)(B).)

2) Uncontroverted Facts: The parties
have agreed that the following may be accepted as
established facts:

(State in detail all uncontroverted facts.)

3) Controverted Facts and Unresolved
Issues: The factual issues remaining to be
determined and issues of law for the Court's
determination are:

(Set out each issue which is genuinely
controverted, including issues on the
merits and other matters which

should be drawn to the Court's attention.)

4) Witnesses:

- a. Non-expert witnesses to be called by the plaintiff and defendants, except those who may be called for impeachment purposes only, are:

(List names, addresses, and telephone numbers of all non-experts who will testify. Indicate whether they are expected to testify in person, by deposition videotape, or by reading of their deposition transcript. Indicate all objections to the anticipated testimony of each non-expert witness. For each witness listed, indicate whether the witness **will be** called or merely **may be** called to testify.)

- b. Expert witnesses to be called by the plaintiff and defendants, except those who may be called for impeachment purposes only, are:

List names, addresses, and telephone numbers of all experts who will testify, providing a brief summary of their qualifications and a statement of the scientific or medical field(s) in which they are offered as experts. Indicate whether they will testify in person, by deposition videotape, or by reading of their deposition transcript. Indicate all objections to the qualifications or anticipated testimony of each expert witness.)

It is understood that, except upon a showing of good cause, no witness whose name and address does not appear in the lists required

by subsections (a) and (b) will be permitted to testify for any purpose, except impeachment, if the opposing party objects. Any objection to the use of a deposition under Fed. R. Civ. P. 32(a) not reflected in the Pretrial Order shall be deemed waived, except for good cause shown.

- 5) Depositions and Other Discovery Documents: All depositions, answers to written interrogatories, and requests for admissions, or portions thereof, that are expected to be offered in evidence by the plaintiff and the defendants are:

(Designate portions of depositions by page and line number. Designate answers to interrogatories and requests for admissions by answer or request number. Designation need not be made of portions that may be used, if at all, as impeachment of an adverse party. Indicate any objections to proposed deposition testimony, answers to interrogatories, and admissions.)

- 6) Length of Trial: Counsel estimate the trial will last approximately ____ days, total, allocated as follows: ____ days for plaintiff's case; ____ days for defendants' case; ____ days for other parties.

- 7) Prospects of Settlement: The status of settlement negotiations is:

(Indicate persons present during negotiations, progress toward settlement, and issues that are obstacles to settlement.)

The proposed Final Pretrial Order will be signed by all counsel, signifying acceptance, and upon approval by the Court, with such additions as are necessary, will be signed by the Court as an order reflecting the final pretrial conference.

4. MATTERS TO BE CONSIDERED AT THE FINAL PRETRIAL

CONFERENCE: At the final pretrial conference, the parties and the Court will formulate a plan for trial, including a program for facilitating the admission of evidence, consider the prospects of settlement, and consider such other matters as may aid in the trial or other disposition of the action. Unless excused upon a showing of good cause, the attorney who is to conduct the trial shall attend the pretrial conference and shall come with full authority to act in all respects or shall be accompanied by a representative of the party with such authority.

5. PREPARATION FOR TRIAL:

a. Each party shall file the following not later than three (3) business days prior to the commencement of the trial:

i. Proposed voir dire questions. The Court will ask basic voir dire questions. Counsel for the parties will be permitted to question prospective jurors. Questioning by counsel shall not be repetitive of questions asked by the Court or of questions asked in the juror questionnaire.

ii. Trial briefs.

b. The parties shall jointly file the following not later than three (3) business days prior to trial:

i. Joint proposed jury instructions. The Western District of Michigan's Standardized Jury Instructions for the preliminary and final

instructions are available on the Court's website (www.miwd.uscourts.gov).¹

Instructions shall be submitted in full text, one per page, in the order that you propose they be given to the jury, and shall include reference to the source of each requested instruction. Indicate objections, if any, to opposing counsel's proposed instructions, with a summary of the reasons for each objection. The parties shall review the presiding judge's guidelines regarding jury instructions.

ii. A joint statement of the case and statement of the elements that must be proven by each party. If the parties are unable to agree on the language of a joint statement of the case, then separate, concise, non-argumentative statements shall be filed. The statement(s) of the case will be read to the prospective jurors during jury selection. The elements that must be proven by each party will be included in the preliminary jury instructions.

If any of the procedures or deadlines in this order conflict with a particular District Judges' guidelines or provisions on the Court's website, the Judges' specific instructions control.

Date: May 17, 2022

/s/ *Maarten Vermaat*
Maarten Vermaat
United States Magistrate Judge

¹ The instructions are located within the Electronic Filing section, and you will need to use your E-Filing Login and Password to access them. Once you have logged into the electronic filing section of the website, click Utilities, then select WDMI Attorney References and you will see the link to the Standard Civil Jury Instructions.